

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

69cv07941 BB-ACE

VS.

RIO CHAMA STREAM SYSTEM Section 7: Rio Brazos

RAMON ARAGON, *et al.*,

Defendants.

**WITHDRAWAL OF MOTION FOR DEFAULT JUDGM,ENT
AND MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and hereby withdraws the Motion for Default Judgment filed May 25, 2005 (Doc. No. 7903) with respect to the Defendants named below and, pursuant to Fed. R. Civ. P. 55(c), respectfully requests the Court to set aside the entry of default for these same Defendants in the Rio Brazos subsection of Section 7:

Lilly Bateman CHRB-003-0014

Debra Patricia Martinez CHRB-003-0016

Larry Martinez CHRB-004-0011

Jose B. Cordova CHRB-004-0029

Pedro Romero CHRB-005-0019

As grounds therefore Plaintiff states:

1. The Clerk's Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7713).

2. The above-named defendants have recently contacted the State to discuss the State's offer concerning their water rights in Section 7. They have signed the State's proposed Consent Order and forwarded the approved order to the State, or have requested that the State send them an additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer hereby withdraws its Motion for Default Judgment filed May 25, 2005 with respect to Defendants Lilly Bateman, Debra Patricia Martinez, Larry Martinez, Jose B. Cordova and Pedro Romero, and requests the Court to set aside the entry of default for these same defendants.

DATED: June 21, 2005

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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P.O. Box 25102
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(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Withdrawal of Motion for Default Judgment and Motion to Set Aside Entry of Default were mailed to following persons on June 21, 2005.

/s/ Ed Newville

Edward G. Newville

RIO CHAMA SECTION 7 SERVICE LIST

<p>Special Master Vickie L. Gabin USDC-DCNM P.O. Box 2384 Santa Fe, NM 87504-2384</p> <p>Karla McCall, Data Manager. 1315 Sagebrush Dr. SW Los Lunas, NM 87031</p> <p>Bradley S. Bridgewater, Esq. David W. Gehlert, Esq. USDOJ-ENRD 999 18th St., Suite 945 Denver, CO 80202</p> <p>John W. Utton, Esq. Sheehan, Sheehan & Stelzner PA P.O. Box 271 Albuquerque, NM 87103-0271</p> <p>Paula Garcia NM Acequia Association 607 Cerrillos Road, Suite F Santa Fe, NM 87505</p> <p>Benjamin Philips, Esq. John F. McCarthy, Jr., Esq. Rebecca Dempsey, Esq. White, Koch, Kelly & McCarthy PA P.O. Box 787 Santa Fe, NM 87504-0787</p> <p>Lester K. Taylor, Esq. Nordhaus Law Firm LLP 405 Dr. Martin Luther King Ave NE Albuquerque, NM 87102-3541</p> <p>Susan Jordan, Esq. Nordhaus Law Firm, LLP 1239 Paseo de Peralta</p>	<p>Santa Fe, NM 87501</p> <p>Tessa T. Davidson, Esq. Davidson Law Firm, LLC P.O. Box 2240 Corrales, NM 87048</p> <p>Marcus J. Rael, Jr. Esq. 500 4th Street NW, Suite 200 Albuquerque, NM 87102</p> <p>Pierre Levy, Esq. Law Offices of Daniel J. O'Friel Ltd. P.O. Box 2084 Santa Fe, NM 87504-2084</p> <p>John P. Hays, Esq. Cassutt, Hays, & Friedman PA 530-B Harkle Road Santa Fe, NM 87505</p> <p>Daniel Cleavinger, Esq. P.O. Box 2470 Farmington, NM 87499</p> <p>Ted J. Trujillo, Esq. P.O. Box 2185 Española, NM 87532-2185</p> <p>Karen L. Townsend, P.C. 120 East Chaco Aztec, NM 87410</p> <p>NM Acequia Commission Fred Vigil, Chairman Depart. of Finance & Admin. Local Government Division Bataan Memorial Building Santa Fe, NM 87503</p>	<p>Kurt J. Van Deren, Esq. Hatch, Allen & Shepherd PA PO Box 94750 Albuquerque, NM 87199-4750</p> <p>Gary S. Friedman, Esq. Cassutt, Hays & Friedman, P.A. 530-B Harkle Road Santa Fe, NM 87505</p> <p>Peter B. Shoenfeld, Esq. P.O. Box 2421 Santa Fe, NM 87504-2421</p> <p>Ernest L. Padilla, Esq. Padilla Law Firm, P.A. P.O. Box 2523 Santa Fe, NM 87504-2523</p> <p>Jeffrey H. Albright, Esq. Cynthia A. Loehr, Esq. Lewis and Roca Jontz Dawe, LLP 201 Third Street NW, Suite 1950 Albuquerque, NM 87103-1027</p> <p>Frank M. Bond, Esq. The Simmons Law Firm LLP P.O. Box 5333 Santa Fe, NM 87502-5333</p> <p>Walter L. Reardon, Jr., Esq. 3733 Eubank Blvd., NE Albuquerque, NM 87111-3536</p>
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